

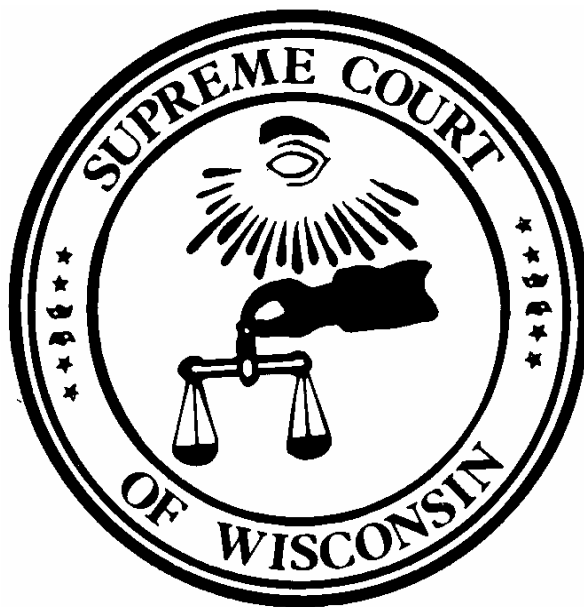
# **REGULATION OF THE LEGAL PROFESSION IN WISCONSIN**

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**FISCAL YEAR 2004-2005**

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## **Report of the Lawyer Regulation System**



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ANNUAL REPORT  
FISCAL YEAR 2004-2005

## **Introduction**

Pursuant to Supreme Court Rule (SCR) 21.03(6)(n) and 21.10(2)(e), the Office of Lawyer Regulation and Board of Administrative Oversight are filing this fiscal year 2004-2005 report on the lawyer regulation system. This report is the fifth report filed under the new regulation system, which became effective on October 1, 2000. This past year, the system met standards with regard to intake evaluations, maintained pace with formal grievance investigations, and increased the number of matters pending in litigation. Progress was made on several important policy issues, including trust account rule amendments, timeliness of proceedings in cases involving interim suspensions, assessment of costs in disciplinary cases, and management of district committee investigations. Finally, the Professional Discipline Compendium became available online, providing free public access through the Office of Lawyer Regulation website: [www.wicourts.gov/olr](http://www.wicourts.gov/olr).

## **Composition of the Lawyer Regulation System**

“The lawyer regulation system is established to carry out the Supreme Court’s constitutional responsibility to supervise the practice of law and protect the public from misconduct by persons practicing law in Wisconsin.” SCR Chapter 21, Preamble. The composition and organization of the lawyer regulation system is depicted in Appendix 1. The persons currently serving in these organizations are identified in Appendix 2. Following is a description of the components.

### *Supreme Court*

The Supreme Court supervises the lawyer regulation system, determines attorney misconduct and medical incapacity, and imposes discipline or directs other appropriate action in proceedings filed with the Court.

### *Office of Lawyer Regulation*

The Office of Lawyer Regulation (OLR) consists of the Director, investigative and support staff, litigation counsel, and retained counsel. The office has the following duties.

- To receive and to respond to inquiries and grievances relating to attorneys.
- To investigate allegations of attorney misconduct or medical incapacity.
- To divert matters into an alternative to discipline program.
- To prosecute misconduct or medical incapacity proceedings.
- To investigate license reinstatement petitions.

### *District Committees*

District Committees exist in each of the sixteen state bar districts, and consist of lawyers and public members appointed by the Supreme Court. District Committees perform the following duties under the supervision of the Director.

- To educate the bar and the public about the legal profession and ethical practice of law.
- To refer to the Director possible misconduct or medical incapacity matters.
- To assist in the investigation of possible misconduct or medical incapacity.
- To recommend to the Director the appropriate disposition of matters it investigated.
- To monitor an attorney's participation in an alternatives to discipline program or an attorney's compliance with conditions on practice.
- To assist in resolving minor disputes between an attorney and a client.

### *Preliminary Review Committee*

The Preliminary Review Committee consists of fourteen members, nine lawyers and five public members appointed by the Court. The Committee is comprised of two seven-member panels, each having at least four lawyers and at least two public members. The panels have the following duties.

- To review the results of OLR and District Committee investigations and to determine whether there is cause to proceed in the matter.
- To review, upon request by a grievant, decisions by the Director to dismiss a grievance after investigation.
- To confer with the Board of Administrative Oversight and to suggest improvements in the operation of the Committee and its panels.

### *Board of Administrative Oversight*

The Board of Administrative Oversight consists of twelve members, eight lawyers and four public members appointed by the Court. The Board has the following duties.

- To monitor the fairness, productivity, effectiveness, and efficiency of the system.
- To monitor the implementation of new procedures.
- To assess public and bar perceptions of the integrity of the system.
- To report its findings to the Supreme Court.
- To review the operation of the system with the Court, and to file an annual report.
- To propose substantive and procedural rules.
- To inform and educate the public and bar about the system.
- To propose an annual budget.

### *Special Investigative Panel*

The Special Investigative Panel is composed of lawyers appointed by the Supreme Court who are not currently participating in the lawyer regulation system. The Director refers allegations of misconduct against attorneys currently participating in the system to a special investigator. In a referred matter, the special investigator performs the functions that the Director would normally perform, which may include evaluating, investigating, dismissing, diverting, or prosecuting the matter.

### *Special Preliminary Review Panel*

The Special Preliminary Review Panel is composed of four lawyers and three public members appointed by the Supreme Court. In matters involving allegations against current participants in the lawyer regulation system, the panel reviews the special investigator's decision to close a matter without investigation or dismiss a matter after investigation, and reviews an investigative report to determine whether there is cause to proceed.

### *Referees*

Referees are attorneys or reserve judges appointed by the Supreme Court to perform the following duties.

- To conduct hearings in proceedings alleging misconduct or medical incapacity.
- To conduct hearings on petitions for license reinstatement.
- To review consensual public or private reprimands submitted by the Director.
- To review, upon the request of a grievant, determinations by Preliminary Review Panels of no cause to proceed.

## **Overview of the Lawyer Regulation System**

The Wisconsin Supreme Court created the lawyer regulation system to carry out the Court's constitutional responsibility to supervise the practice of law and protect the public from misconduct by persons practicing law in Wisconsin. The Court has adopted standards of professional conduct for attorneys. The Court confers the privilege to practice law on an attorney conditioned on his or her compliance with those standards. SCR 21.15(2). A failure to comply with the Court's standards may constitute misconduct or may be evidence of a medical problem.

The Director of the Office of Lawyer Regulation (OLR) is required to investigate any possible misconduct or medical incapacity of an attorney licensed to practice in the State of Wisconsin. SCR 21.03(6)(a). Communications with OLR alleging lawyer misconduct are privileged, and no lawsuit predicated on those communications may be instituted against any grievant or witness. SCR 21.19. Attorneys and grievants may consult with and be represented by counsel at any stage of an investigation. Prior to the filing of a formal complaint or petition, all papers, files, transcripts and communications in an OLR investigation must be kept confidential by OLR. SCR 22.40(1). OLR may,

however, provide relevant information to the respondent and the grievant. SCR 22.40(2). Although the Supreme Court Rules provide no sanction for disclosure of a grievance by the respondent or the grievant, OLR requests that those involved in an OLR investigation keep confidential all documents generated by the investigation.

Initially, OLR staff screens all inquiries and grievances concerning attorney conduct. If the allegations made are not within OLR's jurisdiction, or if the allegations are not supported by a sufficient factual basis, staff will close the file. The grievant may make a written request for the Director's review of the closure. The Director's decision is final. After preliminary evaluation, staff may also forward the matter to another agency; attempt to reconcile the matter between the grievant and attorney if it is a minor dispute; or refer the matter to the Director for diversion or investigation. Before or after investigation, the Director may divert the matter to an alternatives to discipline program, providing that nothing more than minor misconduct is involved, the respondent agrees, and the respondent is eligible to participate. Alternatives to discipline are usually educational programs or monitoring arrangements designed to assist an attorney in improving the quality of his or her practice.

If the grievance sets forth sufficient information to support an allegation of a violation of Chapter 20 of the Supreme Court Rules, OLR staff may initiate an investigation. OLR staff will send a letter to the respondent enclosing the grievance and requesting a response within 20 days. In most instances, staff will forward the attorney's response to the grievant for comments. When OLR staff has completed the preliminary investigation, the Director will determine whether: (a) an uncontested violation exists; (b) the grievance should be dismissed for lack of merit; (c) further staff investigation is needed; or (d) the matter should be assigned to a district investigative committee for further investigation, pursuant to SCR 22.04(1).

If the grievance is further investigated by staff or a district committee, the respondent and the grievant will be kept advised about the investigation. The committee chairperson can assign the matter to one of the committee's investigators. Pursuant to SCR 22.04(2), the respondent may request a substitution of a district committee investigator within 14 days of receiving notice of the assignment of the investigator. The respondent shall be granted one such substitution as a matter of right, and any other requests for substitution shall be granted by the committee chairperson for good cause shown. If the committee decides to take sworn testimony regarding a grievance at an investigative meeting, the respondent and the grievant will receive timely notice of the meeting. Committee members elicit pertinent information from witnesses at such a meeting. In any matter referred to committee, the committee will prepare a report summarizing the facts and potential disciplinary violations. That report will be sent to the respondent and grievant for comment.

After the investigation is completed by staff and/or a committee, the Director may dismiss the matter for lack of sufficient evidence of cause to proceed, divert the matter to an alternatives to discipline program, obtain respondent's consent to a private or public reprimand, or present the matter to the Preliminary Review Committee for a

determination of whether there is cause to proceed. In those cases in which the Director dismisses, the grievant has 30 days after receiving written notice of the dismissal to make a written request for review of the decision by the Preliminary Review Committee. The decision of the Preliminary Review Committee is final.

If, after the investigation is completed, the Director does not dismiss the grievance, seek a consent reprimand, or divert the matter, OLR staff will prepare an investigative report and provide a copy to the grievant and to the respondent for comment. [In cases in which a district committee investigates a matter, its report will serve as the investigative report.] The grievant and the respondent may submit a written response to the report no later than ten days following receipt of the report.

The Director may then submit the results of the investigation to the Preliminary Review Committee. The Preliminary Review Committee determines whether the evidence presented supports a reasonable belief that an attorney has engaged in misconduct or has a medical incapacity that may be proved by clear, satisfactory and convincing evidence. SCR 22.001(2). If the Preliminary Review Committee dismisses the matter, the grievant has 30 days after being notified of the dismissal to file a written request for review of that decision. The Supreme Court will select a referee to review the matter, and the referee's decision is final.

If the Preliminary Review Committee determines that the Director has established cause to proceed, the Director may file a complaint with the Supreme Court alleging misconduct. OLR, rather than the grievant, is the complainant in such a matter. If the Director files a complaint, an answer is required within 20 days of service of the complaint. Upon proof of service, the Supreme Court appoints a referee to hear the matter pursuant to SCR 22.13(3). The referee holds a scheduling conference to define the issues and to determine the extent of discovery. The referee then presides at a public hearing which is conducted as a trial of a civil action to the court. SCR 22.16. OLR must prove misconduct or medical incapacity by clear, satisfactory and convincing evidence. SCR 22.38.

Within 30 days after the conclusion of the hearing, the referee will submit his or her report to the Supreme Court, including findings of fact, conclusions of law, and a recommendation of dismissal or imposition of discipline. OLR or a respondent may file an appeal of the referee's report within 20 days after the report is filed. If no appeal is timely filed, the Supreme Court reviews the referee's report and determines appropriate discipline in cases of misconduct and appropriate action in cases of medical incapacity. The Court may, on its own motion, order the parties to file briefs. Either the respondent or OLR may file a motion for reconsideration of the Supreme Court's decision within 20 days of the filing of the decision by the Court. The filing of a motion for reconsideration does not stay enforcement of the judgment. The Supreme Court's final dispositions of disciplinary and medical incapacity proceedings are published in the *Wisconsin Reports* and in *The Wisconsin Lawyer*.

## **The Year in Review**

### *Significant Lawyer Regulation System Developments*

The system maintained pace with its caseload this year. At the end of the fiscal year, there were a total of 393 formal investigations, up from 389 at the end of last year. Central Intake maintained its timeliness standards throughout the year. The number of formal investigations pending over 11 months remains high. Special efforts will be made this year to achieve timeliness standards for formal investigations.

The average processing time for intake matters improved from 60 days last year to 54 this year; this is an appropriate amount of time. The average processing time for formal investigations improved from 426 days last year to 391 this year; this must be improved. Overall average processing time improved from 185 days last year to 170 days this year.

The percentage of matters completed within 90 days increased from 64% last year to 71% this year. The percentage of matters completed within 180 days increased from 76% last year to 81% this year.

The Supreme Court met with the Board of Administrative Oversight, the Preliminary Review Committee, Special Investigators, and the Special Preliminary Review Panel on April 6, 2005, to discuss current developments in the lawyer regulation system. This year, the Court heard a petition by the Wisconsin Ethics 2000 Committee for changes to the Rules of Professional Conduct for Attorneys. The Court also established time limits in interim suspension cases, and improved the management and operations of the district committees.

The Preliminary Review Committee re-elected Attorney James Wickhem of Janesville chairperson and Attorney James Friedman of Milwaukee vice chairperson. The Committee met to consider matters on September 10, 2004, December 10, 2004, March 11, 2005, and June 10, 2005. The Committee considered whether cause to proceed existed in 421 matters, and reviewed the Director's dismissals in 11 matters. The Board and Office of Lawyer Regulation appreciate the Committee's exceptional service this past year. Committee meetings will continue quarterly.

The Board of Administrative Oversight re-elected Attorney William H. Levit, Jr. of Milwaukee chairperson and Attorney Ann Ustad Smith of Madison vice chairperson. The Board held meetings on September 3, 2004, December 3, 2004, March 4, 2005 and June 3, 2005. The Board considered and made recommendations concerning the assessment of costs in disciplinary cases and the timeliness of proceedings in interim suspension cases. The Board continues to monitor carefully the processing of matters and the effective use of district committees.

The Board assesses perceptions of the regulation system through a questionnaire that is sent to each grievant and each respondent after the grievance is resolved. The response rate is approximately 8% for grievants and 11% for respondents. While perceptions generally relate to the outcome of the grievance, the questionnaire responses provide helpful information. The Board will continue to monitor trends in these perceptions.

The District Committees continue to make a valuable contribution to the system, and are instrumental in resolving matters requiring a depth and breadth of legal and other professional expertise. While referring matters to committee involves a significant commitment of time and talent, the results are beneficial and worth the commitment. Improvements in training and in the management of cases have increased their effectiveness. This year, the Court increased the composition of public members on the committees from one-third to two-fifths. Training sessions were held in Appleton, Eau Claire, Richland Center, and Milwaukee. The chairpersons met with the director in May to discuss improvements in operations.

Special Investigators and the Special Preliminary Review Panel process matters involving allegations against attorneys who serve with the regular components of the regulation system. During fiscal year 2004-2005, special investigators received 33 matters and resolved 38 matters. The Special Preliminary Review Panel met on December 17, 2004, March 18, 2005 and June 17, 2005. The Panel considered no matters for cause and seven matters on review.

The alternative to discipline program provides an effective way to improve an attorney's ability to practice in accordance with high professional standards. Frequently, this is a more effective measure than professional discipline. The Court has authorized diversion to an alternative program in situations where the program will likely benefit the attorney, and where the attorney will not likely harm the public. Alternative programs may include mediation, fee arbitration, law office management assistance, evaluation and treatment for alcohol and other substance abuse, psychological evaluation and treatment, medical evaluation and treatment, monitoring of practice or trust account procedures, continuing legal education, ethics school, and the multi-state professional responsibility examination. During the fiscal year, 85 attorneys were diverted to alternative programs and 102 attorneys completed diversions.

The central intake program provides for the receipt of inquiries and grievances concerning attorney conduct, and for the preliminary evaluation of grievances prior to any formal investigation. Inquiries and grievances may be received by telephone; callers may use a toll free number to contact the Office of Lawyer Regulation. After the preliminary evaluation, the Central Intake staff may forward the matter to another appropriate agency, attempt to reconcile the matter if it is a minor dispute, close the matter if it does not present sufficient information to support an ethical allegation, or refer the matter for investigation or diversion to an alternative to discipline.

Central Intake received 2,105 inquiries and grievances. There has been average 4% decrease in the number of grievances filed in each of the last three fiscal years. Of the matters evaluated in Central Intake this past year, approximately eighteen percent (18%) were forwarded for formal investigation. Ten percent (10%) involved the resolution of minor disputes or grievances that were withdrawn. Five percent (5%) involved diversion programs. The remaining sixty-seven percent (67%) were closed for lack of sufficient information to suggest an allegation of potential ethical misconduct.



## Overdraft Notification Program

The Overdraft Notification Rule [SCR 20:1.15(h), *formerly SCR 20:1.15(i) – (p)*] went into effect on January 1, 1999. That rule requires attorneys to authorize their financial institutions to notify the Office of Lawyer Regulation of overdrafts on their client trust accounts and fiduciary accounts. Information regarding the trust account overdraft program is available from the Office of Lawyer Regulation web page [[www.wicourts.gov/olr](http://www.wicourts.gov/olr)].

During Fiscal Year 2005, 104 overdrafts were reported to the OLR, 28 less than the previous fiscal year. Overdraft notifications have resulted in the following dispositions during this year:

Five Month Suspension <sup>1</sup>	1
Temporary Suspension for Non-Cooperation <sup>2</sup>	1
Diversion	15
Dismissal after Diversion Program Successfully Completed	12
Dismissal after Investigation	8
Dismissal after Investigation/Advisory Letter	37
Closed without Investigation – Collection Account Exception	2
Closed without Investigation – Real Estate Exception/Advisory Letter	1
Closed without Investigation – Bank Errors	19
Closed without Investigation – Bank Errors/Advisory Letter	3
Closed Pending Reinstatement Proceedings	1

The advisory letters sent during Fiscal 2005, some of which included more than one advisory, related to the following issues and record keeping deficiencies:

Availability of Funds for Disbursement	12
Bank Procedures – Delays in Posting Transactions	3
Maintenance Account (to cover bank charges)	4
Deposit Slip Errors	1
Lack of Proper Endorsement	6
Check Drafting Errors	0
Signatory Authority on Trust Accounts	2
Failure to Maintain Canceled Checks	10
Failure to Confirm Wire Transfers	0
Transaction Register/Subsidiary Ledger Deficiencies	36
Check Stubs – Inadequacy as a Transaction Register	4
Computer Software Deficiencies	2
Commingling	2

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<sup>1</sup> Included condition of 2 years of trust account supervision following reinstatement.

<sup>2</sup> Due to database error, this suspension was not included in FY 2004 Annual Report. It is included here to address that omission.

Prohibition against Electronic Transactions (Credit Card/Telephone/Internet)	3
Other	6

OLR staff presented two, ½-day seminars on trust account management in conjunction with diversions (October 29, 2004 and April 29, 2005). Trust account management was also one of the topics covered at OLR’s Professionalism Seminar (another Diversion Program) on November 5, 2004.

In addition, OLR’s Trust Account Program Administrator presented a number of CLE programs regarding the new trust account rule. The following is a list of those presentations:

<b>Date</b>	<b>Presented to:</b>	<b>Location</b>
7/28/2004	State Bar ( <i>Webcast</i> ) <sup>3</sup>	Madison
8/6/2004	State Bar Family Law Section	Door County
9/14/2004	Sauk County Bar Association	Baraboo
9/21/2004	Dane County Bar Association	Madison
10/6/2004	Dodge County Bar Association	Beaver Dam
10/27/2004	University of Wisconsin Law School	Madison
11/15/2004	Racine County Bar Association	Racine
3/30/2005	University of Wisconsin Law School	Madison

Finally, during the year, OLR’s Director and Trust Account Program Administrator worked with the Bar in drafting proposed amendments to the new trust account rule.

### *Public Information and Outreach*

As a means to promote understanding and confidence in the lawyer regulation system, public information and outreach efforts are ongoing. A list of the presentations made during the year is at Appendix 12. General information about the lawyer regulation system is available at [www.wicourts.gov/olr](http://www.wicourts.gov/olr).

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<sup>3</sup> Dean R. Dietrich (Ruder Ware) was a co-presenter at this seminar.

## **Survey of Matters**

### *Overall Processing*

The pending caseload is 855 matters, up from the prior year, consistent with an increase of matters in litigation, and within the system's caseload capacity of about 870 matters. The efficiency with which matters are processed is very good. The average processing time was 170 days, faster than last year and better than the five-year average. Also, the percentage of matters resolved within 90 days and 180 days improved, 71% and 81% respectively, and should increase again next year.

### *Grievances*

In an effort to inform the Supreme Court, the Bar, and the public of the source and nature of the grievances received and the areas of practice from which grievances arise, Appendices 8A – 8C break down by category the grievances received between July 1, 2004 and June 30, 2005. In describing the nature of the grievances, only the most serious allegation is reflected. While most grievances allege various acts of misconduct, it is not practical to list all allegations.

The allegations most commonly made in a grievance were lack of diligence by the lawyer entrusted with the legal matter (20.3%), lack of communication with the client (11.2%), and misrepresentation or dishonesty (10.5%). See Appendix 8A. The two areas of practice that produced the largest number of grievances during the year were criminal law and family law (see Appendix 8B). It is important to point out that while clients file the majority of grievances, anyone can file a grievance. Appendix 8C illustrates the sources from which grievances were received during the fiscal year.

### *Discipline*

In fiscal year 2004-2005, 39 attorneys received a public disciplinary sanction. The Supreme Court imposed 2 revocations, 4 revocations by consent, 17 suspensions, 19 temporary suspensions, 2 summary suspensions, 1 medical suspension, 11 public reprimands and dismissed 2 disciplinary matters. Referees issued 4 public reprimands by consent. At the end of the year, 148 formal disciplinary matters were pending in the Supreme Court, up from 52 last year. Appendix 9 shows the numbers and percentages of attorneys receiving public discipline since fiscal year 1978-1979. Appendix 10 shows the type of misconduct found in public discipline decisions. Appendix 11 shows the areas of practice in which discipline was found in public decisions.

A Referee has authority, under SCR 22.09(3), to issue private reprimands pursuant to an agreement between the Director and the attorney. Typically, a private reprimand is imposed for an isolated act of misconduct that caused relatively minor harm. The Director does not enter an agreement for a private reprimand if public disclosure of the attorney's misconduct is necessary to protect the public. Private reprimands are retained permanently and are available as an aggravating factor on the issue of sanction if the attorney commits subsequent misconduct. As a means of educating the Bar, summaries of private reprimands, without any reference to or

identification of the attorney involved, are printed every six months in the *Wisconsin Lawyer* magazine.

During this fiscal year, 16 attorneys received private reprimands. The Supreme Court issued 4 private reprimands. Eighty-five (85) attorneys entered the new alternatives to discipline program and 102 attorneys completed an alternative program.

Other dispositions included:

- 1653 inquiries that did not warrant investigation. These matters were closed after the initial intake evaluation because there was insufficient information to support an allegation of misconduct.
- 80 dismissals after investigation in cases where there was insufficient evidence of a violation.
- 54 dismissals with an advisory letter. This disposition occurs in cases where the evidence is insufficient to prove a violation, but where practical advice would be helpful to an attorney.
- 15 closed pending petition for reinstatement.

Following is a summary of public discipline cases for fiscal year 2004-2005.

#### **SUMMARY OF PUBLIC DISCIPLINE**

##### **Office of Lawyer Regulation**

July 1, 2004 to June 30, 2005

<i><b>Attorney</b></i>	<i><b>Admitted</b></i>	<i><b>Location</b></i>	<i><b>Decided</b></i>	<i><b>Effective</b></i>
<b><u>Revocation by Consent</u></b>				
Maloney, James A.	05/18/1992	Loves Park, IL	09/01/2004	09/01/2004
Ribbens, Hans K.	01/30/1995	Sherwood	10/19/2004	10/19/2004
Schatz, Allen E.	09/18/1984	Milwaukee	02/10/2005	08/13/2004
Schierland, Milton D.	09/27/1985	Oshkosh	10/19/2004	10/19/2004
<b><u>Revocation</u></b>				
Arthur, Ronald A.	06/15/1982	Lake Geneva	04/15/2005	04/15/2005
Knickmeier, Jeffrey D.	09/15/1978	Stoughton	07/21/2004	06/14/2001
<b><u>Two Year Suspension</u></b>				
Henningsen, Paul A	08/18/1976	Milwaukee	08/24/2004	03/02/2004
<b><u>Eighteen Month Suspension</u></b>				
Brown, Mark S.	06/23/1998	Madison	04/22/2005	04/22/2005
Sostarich, Mark E.	06/16/1978	Elkhorn	06/29/2005	05/18/2004

**Six Month Suspension**

Christnot, Kate A.	06/15/1993	Green Bay	08/27/2005	03/13/2003
Gilbert, William	06/18/1971	Hudson	11/24/2004	04/07/2004
Glasbrenner, Jenelle	01/26/1999	Delavan	04/22/2005	04/22/2005
Hartigan, Seth Patrick	01/23/1998	Minneapolis, MN	01/19/2005	01/19/2005
Robinson, Mark E.	06/17/1991	Janesville	06/24/2005	08/06/2005

**Five Month Suspension**

Jacobson, Bruce B.	02/12/1971	Milwaukee	12/23/2004 Reinstated 06/29/2005	01/27/2005
Reitz, Jeffrey	05/18/1981	New Berlin	04/14/2005	05/15/2005
Trewin, Michael	06/17/1985	New London	07/27/2004 Reinstated 02/17/2005	08/31/2004

**Three Month Suspension**

Moree, Anthony Irby	05/24/1982	Mundelein, IL	08/02/2004	08/02/2004
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**Sixty Day Suspension**

Farris, Larry	01/19/1973	Milwaukee	10/26/2004	11/30/2004
Morrissey, Lynn E.	06/19/1995	Hartford	01/14/2005	01/14/2005
Rios, Stacy Michelle	06/19/1995	Shorewood	03/08/2005	Effective when CLE and dues suspensions are lifted.

**Thirty Day Suspension**

Krueger, John A.	04/16/1991	Roseville, MN	11/17/2004 Reinstated 01/14/2005	11/17/2004
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**Medical Suspension**

Rader, Larry W.	06/06/1960	Wausau	08/24/2004	08/24/2004
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**Summary Suspension**

Carroll, Rodney Thomas	04/27/2000	Duquque, IA	10/19/2004	10/19/2004
Schierland, Milton	09/27/1985	Oshkosh	08/02/2004	08/02/2004

**Temporary Suspension**

Grade, Daniel	05/24/1993	Wauwatosa	08/24/2004	08/24/2004
Crandall, Eric A.	09/19/1991	New Richmond	08/02/2004 Reinstated 09/02/2004	08/02/2004
Converse, Mark	08/28/1973	Green Bay	09/01/2004 Reinstated 09/09/2004	09/01/2004
Reilly, Anne K.	06/19/1984	Shawano	09/20/2004	09/20/2004

Ham, David	06/21/1994	Madison	09/16/2004 Reinstated 11/17/2004	09/16/2004
Krueger-Smith, Jane	06/19/1981	Oconto Falls	10/19/2004 Reinstated 11/17/2004	10/19/2004
Morrissey, Lynn	06/19/1995	Hartford	10/19/2004	10/19/2004
Chavez, John	06/18/1990	Cambridge	11/17/2004	11/17/2004
Danielson, Michelle Lee	05/20/1996	Milwaukee	01/11/2005	01/11/2005
Fadner, Thomas	04/23/1996	Omro	01/11/2005	01/11/2005
Ham, David	06/21/1994	Madison	01/11/2005	01/11/2005
Mueller, Karl	01/19/1993	Sheboygan	02/09/2005	02/09/2005
Raftery, John E.	06/22/1977	Sheboygan	01/11/2005 Reinstated 06/03/2005	01/11/2005
Dade, John	01/11/1983	Whitewater	03/08/2005 Reinstated 03/29/2005	03/08/2005
Koehn, Charles R.	06/22/1977	Green Bay	04/06/2005	04/06/2005
Krombach, Charles K.	08/07/1977	Brookfield	04/06/2005	04/06/2005
Pierquet, Mark G.	09/28/2001	Menasha	03/08/2005 Reinstated 04/19/2005	03/08/2005
Semancik, Jolie	05/23/1994	Greenfield	04/06/2005	04/06/2005
Langford, Ronald	05/20/1985	Milwaukee	06/01/2005	06/01/2005

	<i>Admitted</i>	<i>Location</i>	<i>Decided</i>
<b><u>Court Public Reprimand</u></b>			
Backes, Michael J	05/19/1986	Milwaukee	05/25/2005
Birdsall, John A.	06/20/1989	Milwaukee	11/23/2004
Felli, Jay Andrew	06/27/1994	Brookfield	05/25/2005
Jacobson, Bruce B	02/12/1971	Milwaukee	06/14/2005
Kasprowicz, Paul	05/19/1986	Waukesha	12/21/2004
Konnor, Chris K	04/18/1988	Milwaukee	03/25/2005
Kostich, Nikola P	08/21/1970	Milwaukee	06/24/2005
Kremkoski, Joe E.	05/18/1976	Racine	12/21/2004
Polich, Steve J	03/15/1982	Iron River	03/25/2005
Teasdale, Clay F.	09/13/1983	Marinette	02/16/2005
Ward, John Anthony	09/27/1985	Kenosha	02/08/2005
<b><u>Consent Public Reprimand</u></b>			
Barrington, Gordon F	05/22/1978	Wauwatosa	05/02/2005
Ritger, Edward J	05/22/1978	Random lake	04/19/2005

Roe, Michael F	06/22/1977	Rhineland	04/22/2005
Trebatoski, Chris	06/19/1984	Milwaukee	12/06/2004

### *Reinstatements*

During fiscal year 2004-2005, the Court completed action on 26 reinstatement petitions, 22 administrative and 4 disciplinary. Following is a summary of reinstatements.

## SUMMARY OF REINSTATEMENTS

### Office of Lawyer Regulation July 1, 2004 – June 30, 2005

<i>Attorney</i>	<i>Location</i>	<i>Received</i>	<i>Decided</i>	<i>Outcome</i>
<b><u>Administrative</u></b>				
Fernan, Patrick	Madison	11/24/2004	02/11/2005	Dismissed
Hennen, James R	Waukesha	07/02/2004	12/15/2004	Denied
Armour, Jonathan W.J.	Minneapolis, MN	03/23/2005	06/08/2005	Granted
Brennan, James Michael	Carol Stream, IL	07/02/2004	09/16/2004	Granted
Egan, Dale Joseph	Milwaukee	04/08/2004	10/19/2004	Granted
French, Brian Nicholas	Ortonville, MI	05/11/2004	08/17/2004	Granted
Glesner, Barbara A	Kansas City, MO	03/04/2005	05/31/2005	Granted
Havn, Scott S.	Lakewood, CO	03/24/2005	06/06/2005	Granted
Maroney, Kevin Michael	Wausau	02/02/2004	10/19/2004	Granted
Loes, Mark	Solana Beach, CA	01/21/2005	05/05/2005	Granted
Morris, Lawrence J	Arlington, VA	07/01/2004	10/11/2004	Granted
O'Melia, Michael	Phoenix, AZ	01/25/2005	04/26/2005	Granted
Patterson, Robert H.	Horsham, PA	02/07/2005	04/26/2005	Granted
Pike, Stacy Krebs	Chicago, IL	05/12/2004	08/02/2004	Granted
Potemkin, Jan H	New York, NY	12/29/2004	6/15/2005	Granted
Rosenfeld, Diane Lisa	Cambridge, MA	03/01/2004	12/01/2004	Granted
Steinhafel, Catherine S.	Elm Grove	01/18/2005	05/11/2005	Granted
Tollander, Mary Ann	Brookfield	11/09/2004	04/07/2005	Granted
Weum, Gregory J.	Monona	07/29/2004	02/03/2005	Granted
Wussow, Michael H	Boulder, CO	12/27/2004	04/11/2005	Granted
Yelinek, Keith A.	Madison	12/16/2004	04/06/2005	Granted
Zeman, Laura Jean	Phoenix, AZ	11/13/2003	10/19/2004	Granted
<b><u>Disciplinary</u></b>				
Widule, John C.	Elm Grove	10/29/2003	09/01/2004	Denied
Harman, Donald	LaCrosse	04/05/2004	06/24/2005	Reinstated With Conditions
Selmer, Scott	Minneapolis, MN	05/13/2003	06/24/2005	Granted
Webster, Leslie J.	Ellsworth	09/02/2003	10/19/2004	Granted

## **Finances**

The legal profession is unique in assuming all costs for policing itself. An assessment on every member of the State Bar of Wisconsin pays the costs and expenses of the lawyer regulation system, including all the costs and expenses of the Office of Lawyer Regulation, District Committees, Preliminary Review Committee, and Board of Administrative Oversight. To help offset the costs, the Office of Lawyer Regulation collects costs from attorneys disciplined in formal court proceedings and collects fees on petitions for reinstatement. Collections for fiscal year 2004-2005 were approximately \$171,761.40.

The budget for fiscal year 2005-2006 is \$2,413,000, up from \$2,398,000 last year. The assessment is \$132.66, the same as last year. The assessment is in line with those of neighboring jurisdictions. The assessment is significantly lower than in Colorado, which has a comparable lawyer population and similar programs.

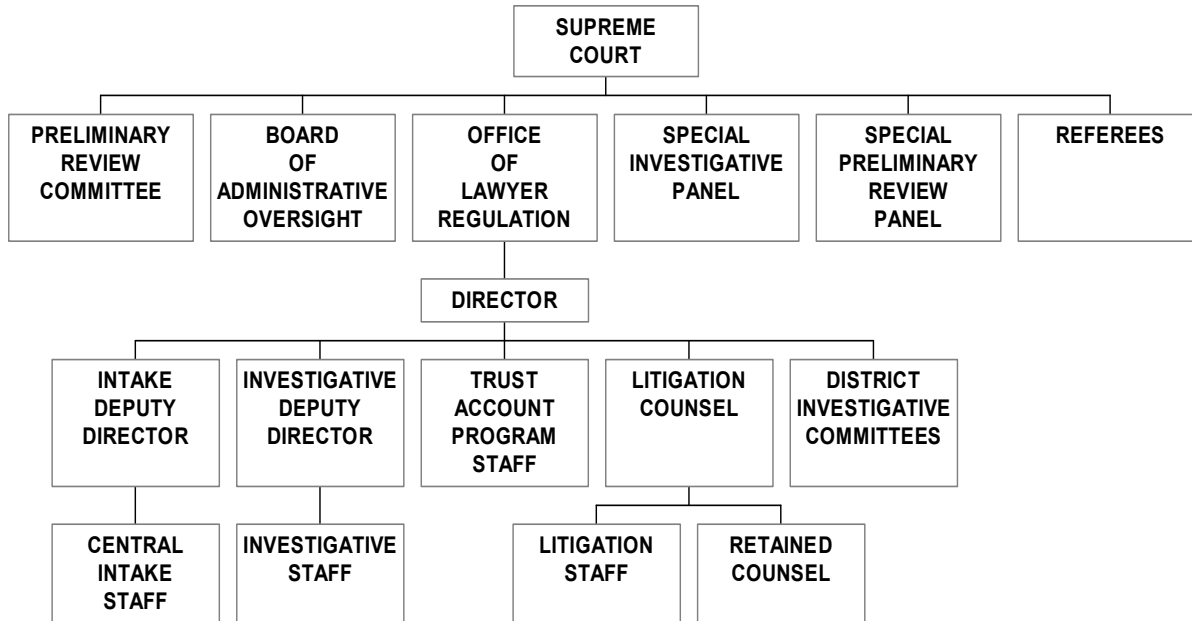
## **The Year Ahead**

The lawyer regulation system will make special efforts to achieve its timeliness goals for formal investigations. Significant work will continue toward improvements in ethics rules and system procedures. During the year, the Supreme Court will give considerable attention to the proposals of the Ethics 2000 Committee, and may order significant changes in the rules sometime during the year.



*APPENDIX 1*

***ORGANIZATIONAL CHART OF THE  
LAWYER REGULATION SYSTEM***



## APPENDIX 2

### COMPOSITION OF THE LAWYER REGULATION SYSTEM

#### WISCONSIN SUPREME COURT

Chief Justice Shirley S. Abrahamson  
Justice Jon P. Wilcox  
Justice Ann Walsh Bradley  
Justice N. Patrick Crooks  
Justice David T. Prosser  
Justice Patience D. Roggensack  
Justice Louis B. Butler

#### OFFICE OF LAWYER REGULATION

Keith L. Sellen, Director

John K. O'Connell, Deputy Director-Investigations  
Elizabeth Estes, Deputy Director-Intake  
William Weigel, Litigation Counsel  
Julie M. Falk, Assistant Litigation Counsel  
Mary Hoeft Smith, Trust Account Program Administrator

#### Investigative Staff:

Mary A. Ahlstrom  
Lorry Eldien  
Cathe Hahn  
Emily Kokie  
Alice O'Mahar  
Sarah Peterson  
Melody Rader-Johnson  
Cynthia Schally  
Kay Sievers  
Travis Stieren  
Nancy L. Warner  
Jonathan Zeisser

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Linda Ackerman  
Sheri Carter  
Carol Kornstedt  
Mary McMillan  
Angelia Pearson

Joyce Rice  
Carol Rymer  
Barbara Schlak  
Susan Stock

FISCAL YEAR 2004-2005 RETAINED COUNSEL

Matthew Anich	Ashland
Thomas Basting	Janesville
Charles Blumenfield	Milwaukee
Gregg M. Herman	Milwaukee
Robert G. Krohn	Janesville
Marc T. McCrory	Janesville
Richard P. Mozinski	Manitowoc
James C. Reiher	Milwaukee
Paul W. Schwarzenbart	Madison
Frank M. Tuerkheimer	Madison
Denis Vogel	Madison

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Robert I. DuMez	Kenosha
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F. Mark Bromley	Whitewater

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Wisconsin Rapids  
Wisconsin Rapids  
Wisconsin Rapids  
Wisconsin Rapids  
Stevens Point  
Stevens Point  
Wisconsin Rapids  
Baraboo  
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Wautoma

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Hudson  
River Falls  
Eau Claire  
Eau Claire  
Eau Claire  
Eau Claire  
Hudson  
Ellsworth  
Hudson  
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Middleton  
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*Diane Fjelstad	Chetek

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Ray Jablonski	Janesville
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*Michael F. Metz	Lancaster
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 \*Clinton A. Wruck  
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 Janesville  
 Platteville  
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*Judy A. Frymark, AIC	Merrill
*Arno William Haering	Wausau
David J. Condon	Woodruff
*Gerald Gibson	Argonne
*Michael Lambrecht	Weston
Dawn R. Lemke	Merrill
William D. Mansell	Wausau

PRELIMINARY REVIEW COMMITTEE

**Attorney James D. Wickhem, CHAIRPERSON**  
**Janesville, WI**

Attorney James D. Wickhem is a partner in Meier, Wickhem, Lyons & Schulz in Janesville. He focuses his work on civil litigation, including personal injury, business litigation, products liability, and insurance disputes. He previously served on a district professional responsibility committee (part of the lawyer regulation system), and as chair of that committee. Wickhem has been active in his community, serving on the Janesville Police and Fire Commission and on the board of directors of Big Brothers/Big Sisters of Rock County.

**Attorney James D. Friedman, VICE CHAIRPERSON**  
**Milwaukee, WI**

Attorney James D. Friedman is a partner in Quarles & Brady LLP in Milwaukee, where he is Chair of the Regulated Business Practice Section and of the Financial Institutions Practice Group. Friedman is a former member of the Board of Governors and Executive Committee of the State Bar of Wisconsin. He is a director of Partners Advancing Values in Education, Inc., the Equal Justice Coalition, Inc., and the Wisconsin Law Foundation, and is listed in *The Best Lawyers in America*, *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law*, *Who's Who in the*

*Midwest*, and *Who's Who in Finance and Industry*. He is a Life Fellow of both the Wisconsin Law and American Bar Foundations.

**Attorney Michael S. Anderson**  
**Madison, WI**

Attorney Michael S. Anderson is the Managing Partner of Axley Brynson, LLP in Madison, where his practice (both trial and appellate) emphasizes commercial and business litigation, insurance coverage disputes, and products liability defense. He was a member of the District 9 Professional Responsibility Committee, which assists the Office of Lawyer Regulation with investigations into possible lawyer misconduct, for nine years. For many years he has been listed in *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law* and *Who's Who in Finance and Industry*. Attorney Anderson is a member of the Bench and Bar Committee of the Wisconsin State Bar, the Boards of Directors of Oakwood Village East (Continuing Care Retirement Communities), and Nehemiah Community Development Corporation, and he serves on the Blackhawk Church Elder Board.

**Mr. Michael S. Ariens**  
**Brillion, WI**

Michael S. Ariens is Chairman of the Board of Ariens Company, a manufacturer of outdoor power equipment that has been located in Brillion since 1933. Ariens has been with the company since 1959. He is also very active in the business community and in the Catholic Diocese of Green Bay.

**Attorney Wayne A. Arnold**  
**Rice Lake, WI**

Atty. Wayne A. Arnold is a trial lawyer with the State Public Defender's Office. He has served as a supervisor overseeing operations at various times in Barron, Burnett, Polk, Sawyer, Washburn and Rusk counties. Arnold has served on the Barron County Board of Supervisors and presently is an alderman for the City of Rice Lake and is a trustee of Lakeview Medical Center.

**Attorney Thomas W. Bertz**  
**Stevens Point, WI**

Attorney Thomas W. Bertz is a partner in Anderson, Shannon, O'Brien, Rice & Bertz in Stevens Point. He began his law career by clerking for Chief Justice Timothy Brown, who served on the Wisconsin Supreme Court from 1949 to 1964. He is a member of the Wisconsin State Bar Board of Governors, District 7 and past president, Western District of Wisconsin Bar Association. Bertz is active in his community, serving as president of the Stevens Point Rotary Foundation.

**Attorney John R. Dawson**  
**Milwaukee, WI**

Attorney John R. Dawson was a partner in Foley & Lardner in Milwaukee, where he had practiced since 1970, until his retirement in February, 2005. His practice emphasized commercial litigation and media law. He is listed in *The Best Lawyers in America* in the areas of business litigation, alternate dispute resolution and First Amendment law. He is an associate adjunct professor at the Marquette University Law School.

**Attorney Karri L. Fritz-Klaus**  
**Milwaukee, WI**

Attorney Karri L. Fritz-Klaus is a sole practitioner focusing on divorce, family law, and mediation. She is past-chair of the Milwaukee District Professional Responsibility Committee (part of the lawyer regulation system) and past-president of the Association for Women Lawyers and chair of the Leadership Development Committee, past-chair of the State Bar's Bench/Bar Committee, past-president of Prairie Hill Waldorf School Board, founder and past-president of Phi Delta Phi Barrister Inn Alumni Chapter. She has served as an editor and research assistant at the Smithsonian Institution and as an advisor and consultant to the National Museum of African Art. She is a recipient of the Supreme Court of Wisconsin and State Bar of Wisconsin LaFollette Award for Contributions to the Legal Profession. Author of numerous articles and lecturer on mediation and The Standards of Professional Responsibility, Courtesy, and Decorum for the Courts of the State of Wisconsin.

**Rev. Steven K. Gjerde**  
**Wausau, WI**

Rev. Steven K. Gjerde is pastor at St. John's Lutheran Churches in the Wausau-area communities of Spencer and Riplinger. He has taught ethics at the Luther Seminary in St. Paul, and served in the Department of Chaplain Services at the Mayo Clinic. Gjerde is active in his community, serving as chaplain for the Spencer Fire Department and on the advisory board to the King Food Pantry.

**Ms. Joan Greendeer-Lee**  
**Tomah, WI**

Joan Greendeer-Lee has been a tribal court judge and president of the Wisconsin Tribal Judges Association. Trained as a paralegal, Greendeer-Lee holds a degree in geography. From 1985 to 1999, she served as an assistant manager for the U.S. Census Bureau, where she focused on mapping techniques for identifying American Indian and Alaska Native lands.

**Attorney Bernard T. McCartan**  
**Madison, WI**

Attorney Bernard T. McCartan is Associate General Counsel for American Family Insurance Co., managing the company's Wisconsin regional legal department. He currently serves as Chair of the Legislative Committee of Civil Trial Counsel of Wisconsin following terms as Chair of the CTCW Professional Ethics Committee and as an officer. He is active in the State Bar and in his community, volunteering as counsel to Milwaukee Irish Fest. He has spoken and authored articles on topics related to ethics and other subjects.

**Dr. M. Tambura Omoiele**  
**Madison, WI**

Dr. M. Tambura Omoiele is an Associate Professor of Criminal Justice at Edgewood College, where she specializes in sociology and criminal justice-related topics. She has also taught at universities in Kansas and Ohio, and has conducted numerous faculty development workshops throughout the Midwest. She has been listed in *Who's Who in the World*, *Who's Who in the Midwest*, and *Who's Who of American Women*.

**Dr. Thomas W. Radmer, DDS, M.S.  
Trevor**

Dr. Radmer is an Oral Maxillofacial Surgeon. He graduated from the University of Wisconsin in 1966, graduated from Marquette School of Dentistry in 1970, and earned a Master's Degree in Oral Maxillofacial Surgery from Marquette University in 1975. Dr. Radmer is Board qualified in OMS, and is a fellow at the American Association OMS and the International Association OMS. He is currently the Chairman of Oral and Maxillofacial Surgery at Marquette University School of Dentistry and is on the part-time faculty of the Medical College of Wisconsin.

**Attorney Frank D. Remington  
Madison, WI**

Attorney Frank D. Remington is an Assistant Attorney General with the Wisconsin Department of Justice. He began his career as a clerk to Wisconsin Supreme Court Justice Donald W. Steinmetz, who served on the Court from 1980 to 1999. Remington worked in private practice for two years and was appointed an Assistant Attorney General in 1987. In that capacity, Remington has prosecuted criminal and civil complaints and defended the State, its agencies and employees in a variety of areas including civil rights, environmental protection, contracts and eminent domain. Among other activities, he served three terms on a District Professional Responsibility Committee, (part of the lawyer regulation system).

**BOARD OF ADMINISTRATIVE OVERSIGHT**

**Attorney W. H. Levit Jr., CHAIRPERSON  
Milwaukee, WI**

W.H. Levit Jr. is a partner and Loss Prevention and Claims Counsel for Godfrey & Kahn, where he has worked since 1983. Previously he had been general counsel of a Fortune 250 company and a partner in a Wall Street law firm. He is active in international arbitration, and served as a substitute arbitrator on the Iran-U.S. Claims Tribunal at The Hague from 1984 to 1988. He is a Trustee of the State of Wisconsin Investment Board. He regularly serves as an arbitrator and mediator. Early in his career he was a criminal defense attorney for the Legal Aid Society in New York City. Attorney Levit has served as chair of a BAPR District Committee, is former chair of the State Bar's Committee on Resolution of Fee Disputes and is chair of the Milwaukee Bar Association's Fee Arbitration Committee. Attorney Levit is a past president of the Seventh Circuit Bar Association and a fellow of the American Bar Foundation and Wisconsin Law Foundation. He is listed under "Business Litigation" in the Best Lawyers in America.

**Attorney Ann Ustad Smith, VICE CHAIRPERSON  
Madison, WI**

Attorney Ann U. Smith is a partner with Michael Best & Friedrich, where she practices bankruptcy, commercial litigation, and constitutional litigation. She is a member of the Ethics Committee, which offers analysis and advice on ethics issues to the firm's attorneys. In 1989, Smith served as staff to the Governor's Blue Ribbon Commission on Ethics and Lobbying Laws. A past member of a BAPR District Committee, Smith also represented BAPR on open records issues in 1999.

**Ms. Claire A. Fowler**  
**Hubertus, WI**

Claire A. Fowler is the retired owner of Gemini Employee Leasing, Inc., which she founded in 1981. Fowler is very active in her community, and serves on numerous professional boards and committees including the Wisconsin Business Women's Coalition, of which she is a founder. The Coalition recommended her appointment to BAO. Fowler also has served on the State Job Training Coordinating Council and the Women's Advisory Council of the Small Business Administration. She is currently active in SCORE/SBA and Jr. Achievement.

**Ms. Krista L. Ginger**  
**Madison, WI**

Krista L. Ginger is the State Public Defender Legislative Liaison. Ginger has worked in this capacity for four years. Previously, she worked for the Department of Corrections, where she served as staff to the Governor's Task Force on Corrections. Ginger worked from 1989 to 1994 as a clerk in the Wisconsin Supreme Court and Court of Appeals Clerk's Office.

**Mr. T. James Kennedy**  
**Kenosha, WI**

T. James Kennedy owns and manages Senior Citizen Services, which provides financial consulting and management for senior citizens. From 1968 until 1997, when he opened his current business, Kennedy worked for banks in Florida, Illinois, and Wisconsin in positions ranging from financial planning officer to president. As a bank trust officer, Kennedy frequently worked with attorneys. Kennedy has served on numerous boards and committees, including the Board of Directors of the National Endowment for the Arts.

**Attorney James W. Mohr Jr.**  
**Hartford, WI**

Attorney James W. Mohr Jr. is founder, managing partner, and president of Mohr & Anderson in Hartford. He practices in insurance law, including coverage and defense, school law, real estate, and general business law. Prior to starting this firm, Mohr was counsel for Heritage Mutual Insurance Company in Sheboygan. He also was an associate and partner in Whyte & Hirschboeck, S. C., Milwaukee, for eight years. Mohr served as past president of the Washington County Bar Association, of the Civil Trial Counsel of Wisconsin, and was a former member of the Board of Governors for the State Bar of Wisconsin. In his spare time he is active in community theater and directing theatrical productions for local high schools.

**Mr. Michael J. O'Neill**  
**Mayville, WI**

Michael J. O'Neill is a mechanical engineer and retired as a project engineer with John Deere in Horicon. He specialized in product safety design and received more than 12 patents. O'Neill began his career in 1958 with the U.S. Army Ordnance Corps and then worked in General Motors' Cadillac Army Tank Division. He is a past member of the Mayville Police and Fire Commission and the Mayville School Board.

**Attorney Scott Roberts**  
**Stevens Point**

Attorney Scott Roberts is a Wisconsin native who served as Assistant District Attorney in Rusk County from 1979-1980 and in Rock County from 1980-1982. He served as a State Public Defender in Rock County from 1982-1985, and in Milwaukee County from 1986-1991. He worked as an Assistant District Attorney in Portage County from 1991-2000, and now does criminal defense in solo practice in Stevens Point. He has tried approximately 259 jury trials, and recently prosecuted a shaken baby case that occurred more than 20 years ago. He was a main presenter at the Third National Conference on Shaken Baby Syndrome in 2000.

**Attorney Terry Rose**  
**Kenosha, WI**

Attorney Rose is a partner with Rose & Rose, Attorneys. Rose is a trial lawyer who practices both civil and criminal litigation. He is a graduate of Northwestern University and the University of Wisconsin Law School. Since 1986, he has served as a Kenosha County Board Supervisor and is currently vice-chair of the Board and formerly served as a chairman of the Finance Committee of the Kenosha County Board. In addition, he has been involved in community affairs as former president of the Kenosha County Bar Association, former president of the Kenosha Symphony Association, former president of United Way of Kenosha County, former president of C.Y.C. Youth Center in Kenosha and chair of the Kenosha Airport Commission.

**Attorney Thomas Sleik**  
**LaCrosse, WI**

Attorney Sleik is a partner in the LaCrosse firm of Hale, Skemp, Hanson, Skemp & Sleik. His practice includes personal injury, family law, employment law and business law. He is a past president of the State Bar of Wisconsin, past member and chairman of the Wisconsin Judicial Commission, and he formerly served on his BAPR District Committee. He is currently a member and vice chairman of the LaCrosse Public Library Board; a member of the Board of Trustees of Oktoberfest USA; and a member of the Board of Directors of Franciscan Skemp Healthcare in LaCrosse.

**Attorney Deborah M. Smith**  
**Madison, WI**

Attorney Deborah M. Smith is legal counsel for the State Public Defender's Office. She has held management positions within the office for eight years, and has worked for the Public Defender since her graduation from law school in 1980. Smith helped to start the Dane County Drug Treatment Court, and has served on a variety of courthouse committees and the State Bar's BAPR Study Committee.

**Attorney Harvey L. Wendel**  
**Madison, WI**

Attorney Wendel is of counsel with the Madison law firm of Murphy and Desmond and has over 40 years of experience representing clients in real estate development, financing, including sales and

acquisitions. He was ranked as one of the top alternate dispute resolution lawyers in Dane County in a poll of lawyers published by the *Madison Magazine* in January, 2003. Mr. Wendel currently serves as a member of the Board of Directors, Executive and Loan Committees of Wisconsin Community Bank, which is a subsidiary of Heartland Financial USA, Inc., headquartered in Dubuque, Iowa. He is President and a member of the Board of Directors of the Senior Lawyers Division of the State Bar of Wisconsin. He also serves as an arbitrator and is a member of the Panel of Neutrals of the American Arbitration Association Board of Arbitrators.

#### SPECIAL INVESTIGATIVE PANEL

Attorney Eric Becker	Beaver Dam
Attorney Gregory S. Bonney	LaCrosse
Attorney Eileen Brownlee	Fennimore
Attorney Elisa Castellon	Shorewood
Attorney Michael P. Crooks	Madison
Attorney Julie Genovese	Madison
Attorney William Pharis Horton	Madison
Attorney Colleen Kennedy	Wausau
Attorney Suzanne Kitto	Beloit
Attorney William Kussel, Jr.	Shawano
Attorney Myron E. LaRowe	Reedsburg
Attorney Maria S. Lazar	Milwaukee
Attorney Francis H. LoCoco	Milwaukee
Attorney Scott K. Petersen	Madison
Attorney Mark A. Peterson	Milwaukee
Attorney William Retert	Fond du Lac
Attorney Bruce J. Rosen	Madison
Attorney John D. Varda	Madison

#### SPECIAL PRELIMINARY REVIEW PANEL

Attorney Jane C. Schlicht, Chairperson	Milwaukee
Attorney Kara M. Burgos	LaCrosse
Dennis B. Gorder	Necedah
Dean Helstad	Ettrick
Attorney Lori S. Kornblum	Wauwatosa
Attorney James G. Poulos	West Bend
Attorney Darlo Wentz	Richland Center

#### SUPREME COURT REFEREES

Norman C. Anderson	Madison
Michael Ash	Milwaukee
Linda S. Balisle	Madison
Rose Marie Baron	Milwaukee
Kathleen Brady	Wauwatosa
John R. Decker	Milwaukee

William Eich  
James R. Erickson  
Richard M. Esenberg  
Henry A. Field, Jr.  
John A. Fiorenza  
Curry First  
Dennis J. Flynn  
David R. Friedman  
Eugene Gasiorkiewicz  
Amy Gentz  
Stanley F. Hack  
Russell L. Hanson  
Charles J. Herro  
William A. Jennaro  
Robert T. McGraw  
Richard Ninneman  
Gene B. Radcliffe  
Catherine Rottier  
John N. Schweitzer  
Judith Sperling Newton  
Konrad Tuchscherer  
Timothy L. Vocke  
Cheryl Rosen Weston  
James T. Winiarski

Madison  
Balsam Lake  
Milwaukee  
Madison  
Mequon  
Milwaukee  
Racine  
Madison  
Racine  
Madison  
Milwaukee  
Westby  
Oconomowoc  
Milwaukee  
Waukesha  
Milwaukee  
Black River Falls  
Madison  
Madison  
Madison  
Wausau  
Rhineland  
Madison  
Milwaukee



### APPENDIX 3

#### NEW MATTERS AND DISPOSITIONS, FISCAL YEAR 1997 - 2005

	<b>FY97</b>	<b>FY98</b>	<b>FY99</b>	<b>FY00</b>	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>
Number of Attorneys	19,301	19,581	19,984	20,167	20,551	20,772	21,112	21,518	21,837
Number Pending at Beginning of Fiscal Year	421	448	500	621	874	1,127	1,313	1,037	738
*Adjustments				(14)		(109)	(80)	(93)	(162)
New Matters	1,506	1,396	1,423	1,526	**1,951	2,423	2,261	2,225	2,105
Dispositions	1,479	1,344	1,302	1,287	1,698	2,346	2,617	2,617	2,150
Pending at Close of Fiscal Year	448	500	621	874	1,127	1,313	1,037	738	855

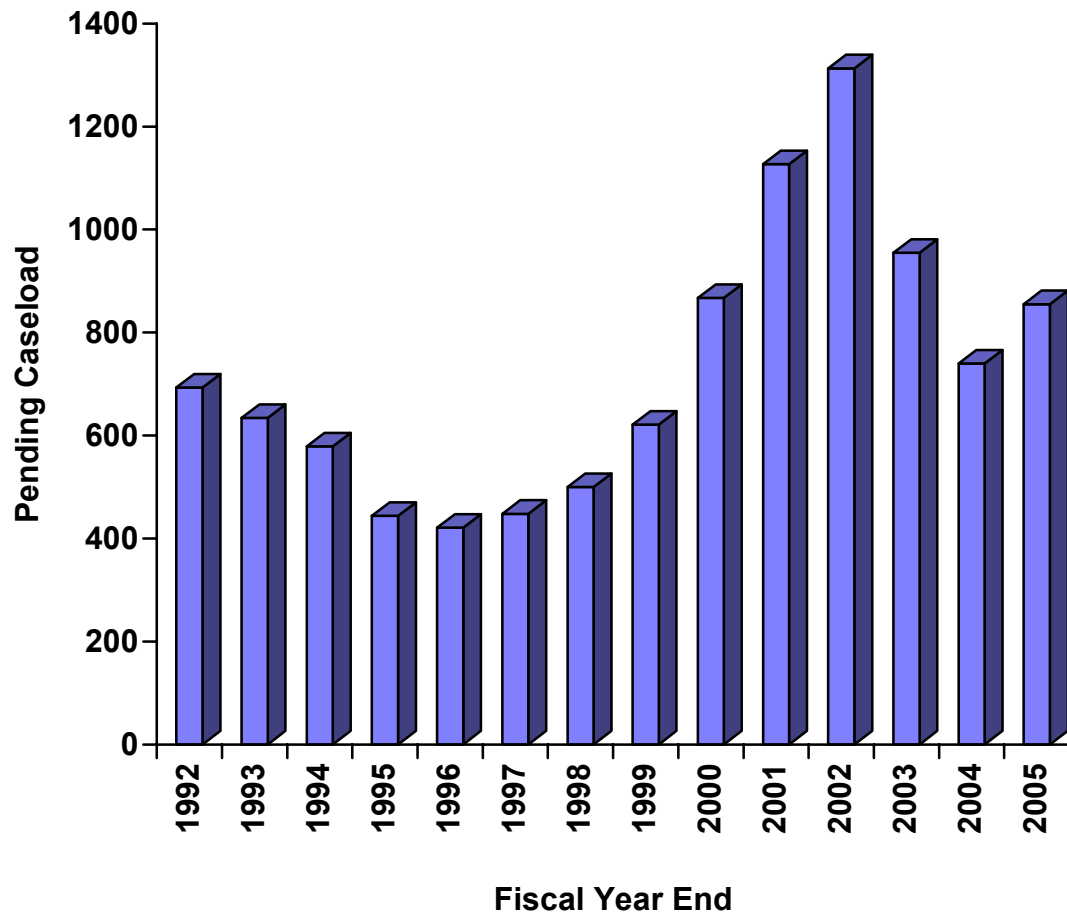
\*Adjustments include appealed matters that are reopened and other administrative changes made during the fiscal year.

\*\*The increase in the number of new matters was due to the telephonic intake program established January 1, 2001.

## APPENDIX 4

### PENDING CASELOAD

Fiscal Years 1992 - 2005



**APPENDIX 5**

**EFFICIENCY AND PRODUCTIVITY**

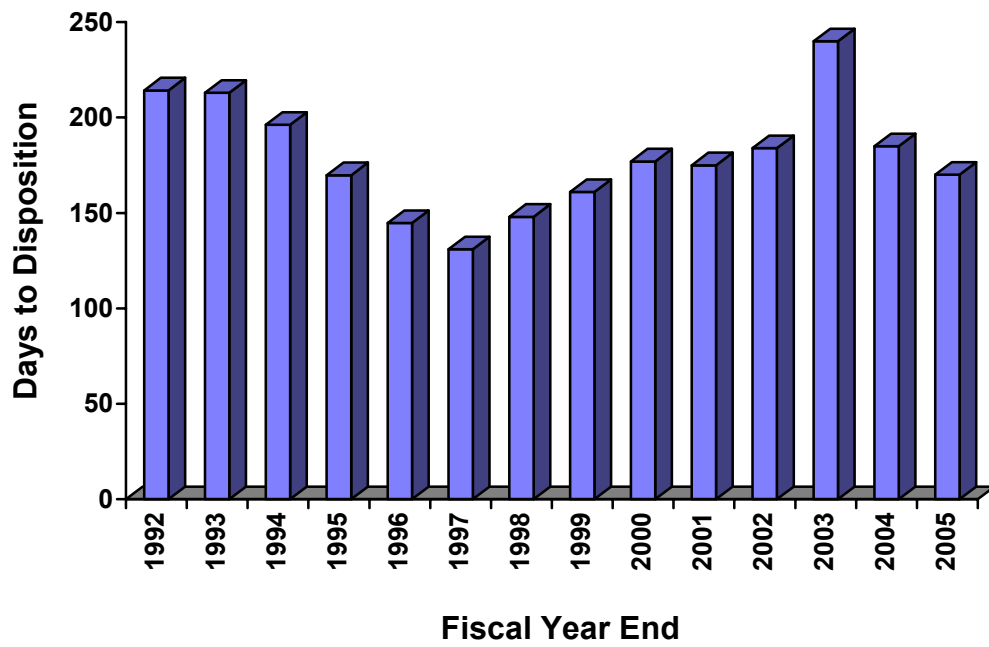
	<b>FISCAL YEAR 2001</b>	<b>FISCAL YEAR 2002</b>	<b>FISCAL YEAR 2003</b>	<b>FISCAL YEAR 2004</b>	<b>FISCAL YEAR 2005</b>
<b>*AVERAGE TIME FOR DISPOSITION</b>	<b>175 DAYS</b>	<b>184 DAYS</b>	<b>240 DAYS</b>	<b>185 DAYS</b>	<b>170 DAYS</b>
<b>MATTERS OVER ONE YEAR OLD</b>	<b>306</b>	<b>461</b>	<b>293</b>	<b>252</b>	<b>290</b>
<b>PERCENTAGE OF MATTERS OVER ONE YEAR OLD</b>	<b>27%</b>	<b>35%</b>	<b>31%</b>	<b>34%</b>	<b>34%</b>
<b>PERCENTAGE OF MATTERS CLOSED WITHIN 90 DAYS</b>	<b>55%</b>	<b>58%</b>	<b>50%</b>	<b>64%</b>	<b>71%</b>
<b>PERCENTAGE OF MATTERS CLOSED WITHIN 180 DAYS</b>	<b>70%</b>	<b>74%</b>	<b>73%</b>	<b>76%</b>	<b>81%</b>

\*Average time for disposition is calculated by averaging length of time it took to process a case and calculates the time for each case when matters are completed. Because many older matters will be completed during the next fiscal year, the average time for disposition may remain high for the coming year but should be reduced thereafter.

## APPENDIX 6

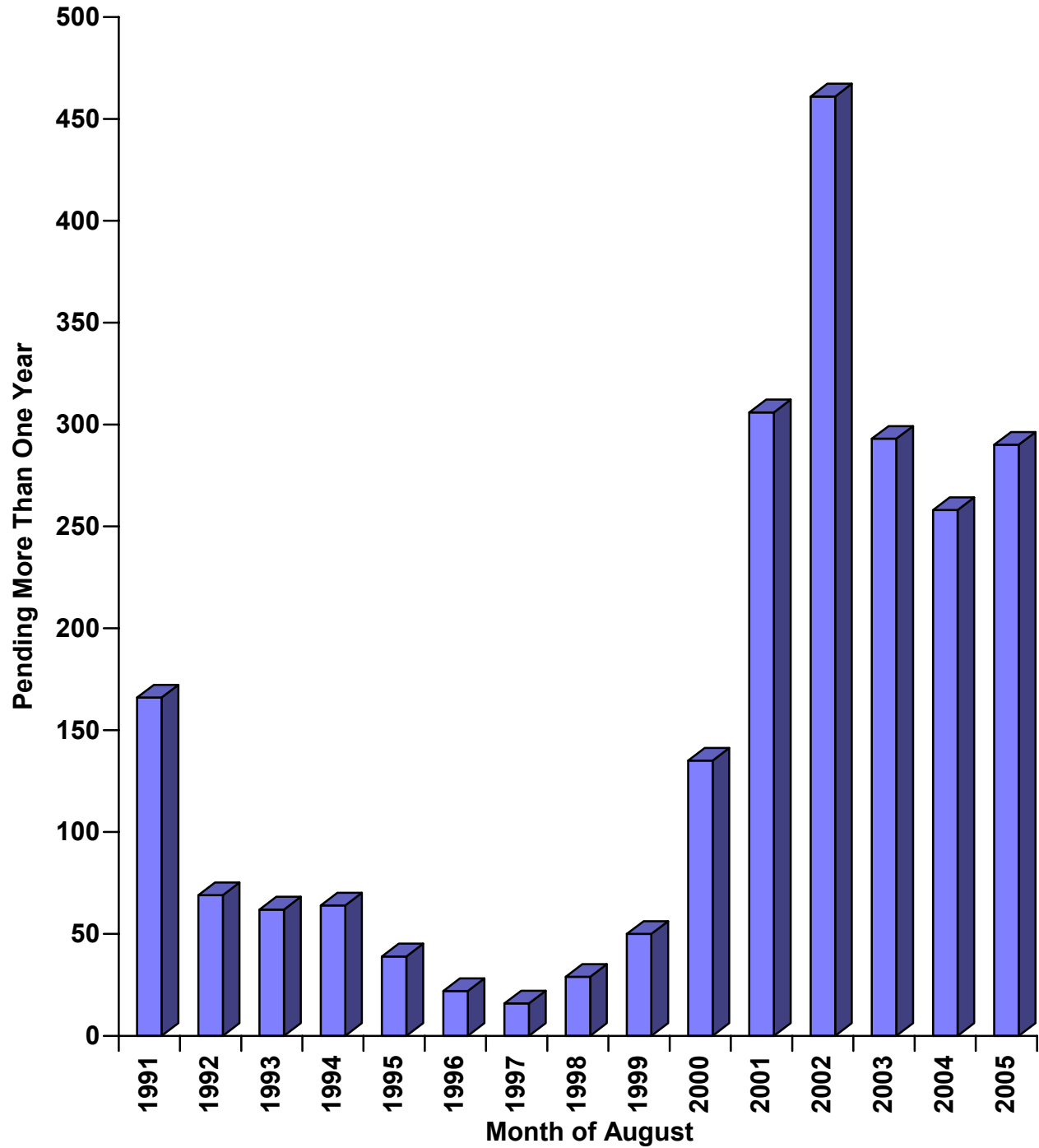
### AVERAGE MATTER PROCESSING TIME

Fiscal Years 1992 - 2005



**APPENDIX 7**  
**GRIEVANCES PENDING MORE THAN ONE YEAR**

**Fiscal Years 1991 - 2005**



## APPENDIX 8A

### SURVEY OF GRIEVANCES RECEIVED DURING

FISCAL YEAR 2004-2005

#### Categorized by Allegation

ALLEGATIONS	TOTAL	PERCENTAGE OF TOTAL ALLEGATIONS
Conflict of Interest	96	4.5%
Criminal Conduct	23	1.1%
Failure to Return Property	69	3.3%
Frivolous Action	8	0.4%
IFOR	177	8.4%
Improper Advertising	6	0.3%
Improper Advocacy	211	10.0%
Improper Communications	40	1.9%
Improper Termination	54	2.6%
Incompetence	81	3.9%
Lack of Communication	240	11.2%
Lack of Diligence	430	20.3%
Medical Incapacity	8	0.4%
Misrepresentation/Dishonesty	220	10.5%
Reciprocal Discipline	6	0.3%
Revealing Confidences	9	0.4%
Scope of Representation	16	0.8%
Statutory Violation	7	0.3%
Supervise Subordinates	4	0.2%
Trust Account Violations	86	4.1%
Unauthorized Practice	35	1.7%
Unreasonable Fees	138	6.6%
Violation of Decision	4	0.2%
Violation of Oath	29	1.4%
Not Available	18	0.9%
Other	90	4.3%

**APPENDIX 8B**

**SURVEY OF GRIEVANCES RECEIVED DURING**

**FISCAL YEAR 2004-2005**

**Categorized by Area of Practice**

<b>AREA OF PRACTICE</b>	<b>TOTAL</b>	<b>PERCENTAGE OF TOTAL AREA OF PRACTICE</b>
Administrative & Government Law	51	2.4%
Bankruptcy-Receivership	55	2.6%
Collections, Garnishments	51	2.4%
Contracts, Commercial, Consumer Law	28	1.3%
Corporate-Banking	21	1.0%
Criminal Law	714	33.9%
Estate-Probate, Guardianship & Wills	150	7.1%
Family Law & Juvenile	420	19.9%
Immigration & Naturalization	10	0.5%
Insurance	12	0.6%
Labor, Unemployment Compensation	25	1.2%
Landlord-Tenant	20	1.0%
Litigation	137	6.5%
Real Property Law & Foreclosure	88	4.2%
Taxation	6	0.3%
Torts, Including Personal Injury, Auto Accidents and Civil Rights	136	6.5%
Workers Compensation, Soc. Security	54	2.5%
Not Available	27	1.3%
Other	100	4.8%

**APPENDIX 8C**

**SURVEY OF GRIEVANCES RECEIVED DURING**

**FISCAL YEAR 2004-2005**

**Categorized by Source of Grievance**

<b>SOURCE OF GRIEVANCE</b>	<b>TOTAL</b>	<b>PERCENTAGE OF TOTAL SOURCE OF GRIEVANCE</b>
Adverse Party	305	14.5%
Attorney	94	4.5%
Client	1163	55.2%
Judge	22	1.0%
OLR Staff	142	6.8%
Other Party	379	18.0%



## **APPENDIX 9**

### **PUBLICLY DISCIPLINED LAWYERS**

#### **AS A PERCENTAGE OF TOTAL LAWYER POPULATION**

<b>YEAR</b>	<b>NUMBER OF LAWYERS PUBLICLY DISCIPLINED</b>	<b>STATE BAR MEMBERSHIP</b>	<b>PERCENTAGE OF LAWYERS PUBLICLY DISCIPLINED</b>
2004-05	44	21,837	0.2
2003-04	66	21,518	0.3
2002-03	46	21,112	0.2
2001-02	20	20,772	0.1
2000-01	37	20,551	0.2
1999-00	24	20,167	0.1
1998-99	34	19,984	0.2
1997-98	37	19,581	0.2
1996-97	28	19,301	0.1
1995-96	33	18,938	0.2
1994-95	47	18,558	0.3
1993-94	55	17,974	0.3
1992-93	69	17,648	0.4
1991-92	50	17,407	0.3
1990-91	45	16,334	0.3
1989-90	33	15,876	0.2
1988-89	38	15,451	0.2
1987-88	39	14,942	0.3
1986-87	32	14,533	0.2
1985-86	45	14,312	0.3
1984-85	38	14,096	0.3
1983-84	45	13,536	0.3
1982-83	36	13,300	0.3
1981-82	28	12,700	0.2
1980-81	20	12,300	0.2
1979-80	16	11,900	0.1
1978-79	11	11,600	0.1

## APPENDIX 10

### ALLEGATIONS FOR WHICH MISCONDUCT WAS FOUND IN PUBLIC DISCIPLINE DECISIONS

Fiscal Year 2004-2005



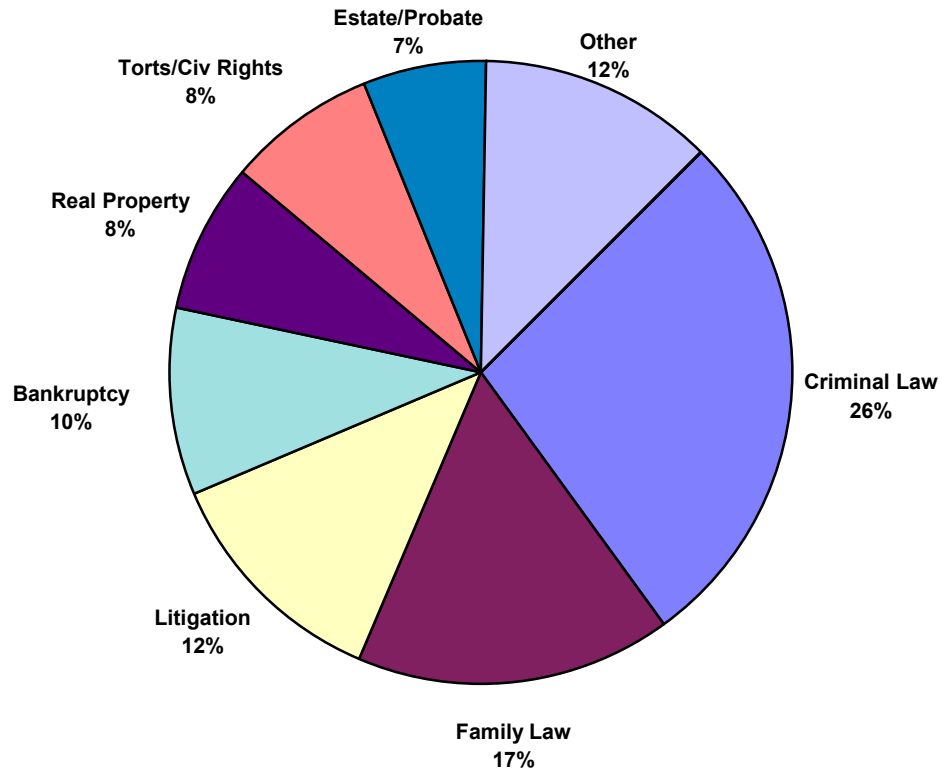
#### OTHER

Failure to return property  
Improper advocacy  
Improper termination  
Scope of Representation  
Unauthorized Practice of Law  
Violation of Decision

Frivolous action  
Improper communication  
Reciprocal Discipline  
Trust Account Violations  
Unreasonable Fees  
Violation of Oath

## APPENDIX 11

### AREAS OF PRACTICE IN WHICH MISCONDUCT WAS FOUND IN PUBLIC DISCIPLINE DECISIONS Fiscal Year 2004-2005



OTHER:

Admin/Govt.  
Worker's Comp/Soc. Sec.

Taxation  
Contracts/Consumer

**APPENDIX 12**  
**OFFICE OF LAWYER REGULATION**  
**2004-2005**  
**OUTREACH EFFORTS**

DATE	PRESENTER	EVENT
July 8, 2004	Sellen	Meeting with WACDL Leadership
July 9, 2004	Sellen	State Public Defender Presentation
July 14, 2004	Sellen	Presentation to Marquette Law School Class
July 28, 2004	Smith	State Bar CLE on new TA Rule
September 13, 2004	O'Connell	Supreme Court Press Orientation
September 14, 2004	Smith	Sauk County Bar Association
September 30, 2004	Sellen	Presentation to Sertoma Club of Madison
October 14, 2004	Sellen	Presentation to UW Law School Class
October 21, 22, 2004	Sellen	Legal Ethics 2004
October 26, 2004	Sellen Smith	Manitowoc County Bar Association
October 29, 2004	Smith	Trust Account Seminar
November 5, 2004	Sellen Staff	Ethics School
November 5, 2004	Weigel	Ethics Program for District Attorneys' Offices
November 10, 2004	Kuphall	Presentation to Waukesha County Bar Association
November 11, 2004	Sellen Smith	State Bar Trust Account working Group
November 18, 2004	Sellen	Fond du Lac County Bar Association
November 18, 2004	Levit	Interview with April Barker, Wisconsin Law Journal

November 19, 2004	Estes	Improve Interpreting and Translation in WI Courts
November 19, 2004	Sellen	Interview with April Barker, Wisconsin Law Journal
November 22, 2004	Ginger	Interview with April Barker, Wisconsin Law Journal
December 3, 2004	O'Connell	Marinette County Bar Association
December 7, 2004	Sellen	Winnebago County Bar Association
December 9 2004	Weigel	Department of Justice Annual Ethics Seminar
December 9, 2004	Sellen	Crawford County Bar Association
December 10, 2004	Estes	Civil Trial Counsel of Wisconsin's Winter Conference
December 17, 2004	Weigel	Practical Legal Ethics for Attorneys, Paralegals and Legal Assistants
December 17, 2004	Sellen	Meeting with Judicial Commission
January 25, 2005	Weigel	Legal Ethics in Wisconsin
February 12, 2005	Weigel	Practical Approaches to Reciprocal Discipline, Salt Lake City
February 12, 2005	Weigel	Current Developments in Regulation Cases, Salt Lake City
March 18, 2005	O'Connell	New District Committee Member Training, Appleton
March 25, 2005	Sellen	New District Committee Member Training, Richland Center
April 12, 2005	Sellen	Presentation to Sauk County Bar, Baraboo
April 14, 2005	Weigel	Presentation to Verona Optimists
April 22, 2005	O'Connell	New District Committee Member Training, Eau Claire
April 29, 2005	Smith	OLR Trust Account Seminar
May 2, 2005	Sellen	Presentation to Green Lake County Bar, Markesan
May 3, 2005	Weigel	Presentation to Verona area School District

May 4, 2005	Sellen	New District Committee Member Training, Milwaukee
May 6, 2005	Sellen Weigel	Referee/Respondent's Counsel Seminar, Milwaukee
May 26, 2005	Sellen	Presentation to Brown County Bar Association, Green Bay
June 9, 2005	Sellen	Presentation to Barron County Bar Association, Bayfield
June 29, 2005	Weigel	Department of Natural Resources, Madison